

AMENDED IN ASSEMBLY APRIL 11, 2005

AMENDED IN ASSEMBLY MARCH 31, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1683

Introduced by Assembly Member Shirley Horton

February 22, 2005

An act to add Section 6608.7 to the Welfare and Institutions Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 1683, as amended, Shirley Horton. Sex offenders: ~~Megan's law~~.

Existing law requires the Director of Corrections, prior to the release of a person from custody convicted of certain crimes of a sexual nature against 2 or more victims, to refer the person to the State Department of Mental Health for evaluation. The law authorizes civil commitment for a 2-year term, as a sexually violent predator, if the person is adjudicated to be likely to engage in sexually violent criminal behavior if discharged.

Under existing law, if the Director of Mental Health determines that the committed person's diagnosed mental disorder has so changed that the person is no longer likely to commit acts of predatory sexual violence while under supervision and treatment in the community, the director is required to forward a report and recommendation for conditional release, and if the court determines that the person does not pose a danger, it is required to order a one-year community placement with an appropriate forensic conditional release program operated by the state. The law authorizes the department to contract

with the county or private providers for community supervision and treatment.

Existing law, with certain exceptions, requires a nonparolee who is conditionally released under these provisions to be placed in the county of domicile. The law requires the department to notify certain persons of the proposed community placement, including, but not limited to, the sheriff or chief of police.

This bill would require the department to provide the ~~county board of supervisors~~ *court and local officials* with a copy of the written terms and conditions of outpatient treatment signed by the patient and a copy of the written contract entered into with any public or private person or entity to monitor or supervise the patient's outpatient placement and treatment program.

This bill would prohibit the ~~contract between the person or entity and the department or a contractor from permitting the person or entity to unilaterally alter~~ *altering* any term or condition of outpatient treatment ~~unless the person or entity first provides without first providing a 15-day notice to the board of supervisors of the county of placement and the board first holds a public meeting regarding the proposed changes~~ *local officials and the court. The bill would require local officials to advise the public of the proposed change and would permit them to file objections in court.* By requiring local entities to comply with these requirements, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6608.7 is added to the Welfare and
- 2 Institutions Code, to read:

6608.7. (a) Notwithstanding any provision of law to the contrary, including, but not limited to, Sections 4514 and 5328, ~~the department shall provide the county board of supervisors of a county into which a person is to be released for community placement under the forensic conditional release program a copy for any person proposed for community outpatient treatment under the forensic conditional release program the department shall provide to the court a copy of the written terms and conditions of outpatient treatment, signed by the patient, and a copy of the written contract entered into with any public or private person or entity responsible for monitoring and supervising the patient's outpatient placement and treatment program. The department shall also provide copies of the documents provided to the court under this subdivision to the sheriff or chief of police, or both, and to the district attorney or the counsel designated by the county, that have jurisdiction over the proposed placement community.~~

~~(b) The contract entered into between the person or entity and the department to monitor and supervise the outpatient placement and treatment program shall not permit the person or entity to unilaterally alter any term or condition of the outpatient placement and treatment program unless the person or entity first provides notice to the board of supervisors of the county of placement and the board first holds a public hearing regarding the proposed changes.~~

(b) The department or any individual or entity with which it contracts shall not alter any term or condition of outpatient treatment until 15 days after providing written notice of the proposed change in a term or condition of release to the sheriff or chief of police, or both, and to the district attorney or the county's designated counsel that have jurisdiction over the placement community. Any entity receiving notice under this subdivision shall notify the public of the proposed change, any may provide written objection to the court with jurisdiction over the community outpatient treatment for the individual whose terms or conditions of release may be altered. The terms or conditions of release may be altered without court approval if no written objections are filed with the court under this section within 15 days of the date written notice is provided by the department to the identified entities.

1 SEC. 2. If the Commission on State Mandates determines that
2 this act contains costs mandated by the state, reimbursement to
3 local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

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